SINGLE BENCH

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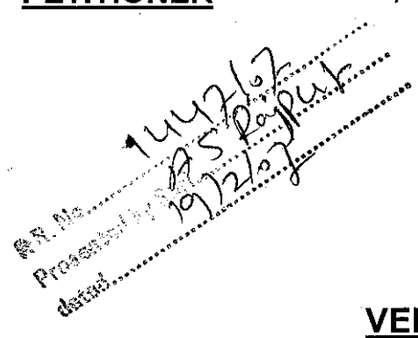
IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 1195 / 2007

PETITIONER : Smt. Sushilam Kanwar, W/o Shri Khagesh Pratap Singh Kanwar, aged about 32 years Assistant Teacher, Govt. Primary School-Rumgara, Block - Korba, Distt. - Korba (C.G.)



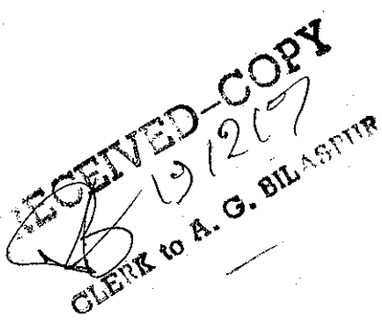
VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary Department of Education / Tribal Welfare Department D.K.S. Bhawan, Raipur (C.G.)

2. Director, Public Instruction Chhattisgarh Govt. Raipur

3. District Education Officer, Distt. – Korba (C.G.)

4. Assistant Commissioner Tribal Welfare Distt. Korba (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1195 of 2007

Petitioner : Smt. Sushilam Kanwar

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.S. Rajput, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

O R D E R

(Passed on this 1st Day of March, 2007)

1. The petitioner was appointed on 07.08.1993 as Assistant Teacher on fixed pay scale of Rs. 1200/-. After completion of two year probation, she was granted regular pay scale of Rs. 1200-2040/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed

by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Har Prasad Kurre and others vs. State of Chhattisgarh & others {W. P. (S) No. 5191/2006} by order dated 3.10.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Har Prasad Kurre and others vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash